

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY - FEBRUARY 11, 19 92

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS TUESDAY EVENING FEBRUARY 11, 19 92
IN REGULAR SESSION. PRESIDENT THOMAS C. HENRY
IN THE CHAIR, COUNCIL ATTORNEY STANLEY A. LEVINE, AND
SANDRA E. KENNEDY CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS _____ VIZ:

BRADBURY Present, EDMONDS Present, GIAQUINTA Present,
HENRY Present, LONG Present, LUNSEY Present,
RAVINE Absent, SCHMIDT Present, TALARICO Present.

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR JANUARY 28, 19 92

_____ 19, _____

SPECIAL _____, 19 _____

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

February 4, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

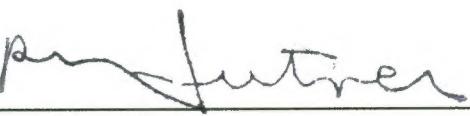
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-01-31

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
4th day of February 1992.



Robert Hutner
Secretary

/pb

CC: File

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

January 3, 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated right-of-way.

The proposed ordinance is designated as:

Bill No. G-91-12-23

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of January 1992.

Robert Hutner
Secretary

/pb

CC: File

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Alley Vacation Ordinance		

DETAILS	POSITIONS	RECOMMENDATIONS
Specific Location and/or Address	Sponsor	City Plan Commission
Alley Vacation in the 700 Block of Taylor Street.	Area Affected	City Wide Other Areas
Reason for Project	Applicants/ Proponents	Applicant(s) Comcast Cablevision of IN L. City Department Other
Expansion of the existing Comcast Cablevision facility.	Opponents	Groups or Individuals Basis of Opposition
Discussion (Including relationship to other Council actions)	Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
16 December 1991 - Public Hearing	Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for condition)
John Wernet, attorney for the petitioners stated that Comcast Cable is the owner of the property north of the east/west alley and has an option on, and will close this week, on the property to the south of the alley. He stated that Comcast is undertaking a \$2.3 million dollar expansion of its facility. He stated that they will be building a 22,000 square foot new warehouse and office building which is directly over the east/west alley and some of the new parking is over the north/south alley. He stated that they will be tearing down some of the existing buildings and in order for the employee parking and vehicle parking to be behind the building, the building needs to be located on top of what is the existing alley. He stated that they will be working out any easement requirements or relocation of utilities as needed.	CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass
John Shoaff questioned why Comcast needed to expand.		
Mr. Wernet stated that the existing facilities house 128 employees. He stated that Comcast's		

DETAILS

facilities are old, there are seven different buildings and the buildings themselves are economically obsolete. He stated that this is also an Urban Enterprise Zone and Comcast would like to stay in this area. He stated that this new facility will upgrade and improve the neighborhood considerably.

There was no one else who wished to speak in favor of or in opposition to the proposed vacation.

23 December 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing for utility easements or relocations as necessary.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 13 November 1991

Projected Completion or Occupancy

Date 3 January 1992

Fact Sheet Prepared by

Date 3 January 1992

Patricia Biancaniello

Reviewed by

Date 24 January 1992

[Signature]
Reference or Case Number

John Wernet, attorney for the petitioners, requests the vacation of public alleys.

Location: In the 700 Block of Taylor Street.

Legal: See file

Land Area: Approximately 0.15 acres

Zoning: Does not apply.

Surroundings:	North	M1/M3	Comcast Cablevision
	South	R-3	Residential & parking
	East	B3B/R3	Commercial & residential
	West	M1/M3	Railroad tracks

Reason for Request: Potential for future growth.

Neighborhood Assoc.:

Planning Staff Discussion:

This area is located west of Fairfield Avenue and on the north side of Taylor Street. Comcast Cablevision has maintained their offices and some storage at this site for some time.

Staff evaluates vacation petitions against an established criteria that includes the need to maintain the right-of-way for public access, principles of orderly growth and development, property values and the overall good of the public.

These two alleys are not needed to provide future access to any public place or way, nor are they necessary for the future growth of the immediate area. Staff did note that there appear to be some utilities currently located in these alleys, and therefore would require the petitioner to either provide a replacement easement, or to bear the cost of relocation.

Recommendation: Conditional Approval, contingent upon the petitioner providing for utility easements or relocations as necessary, and for the following reasons:

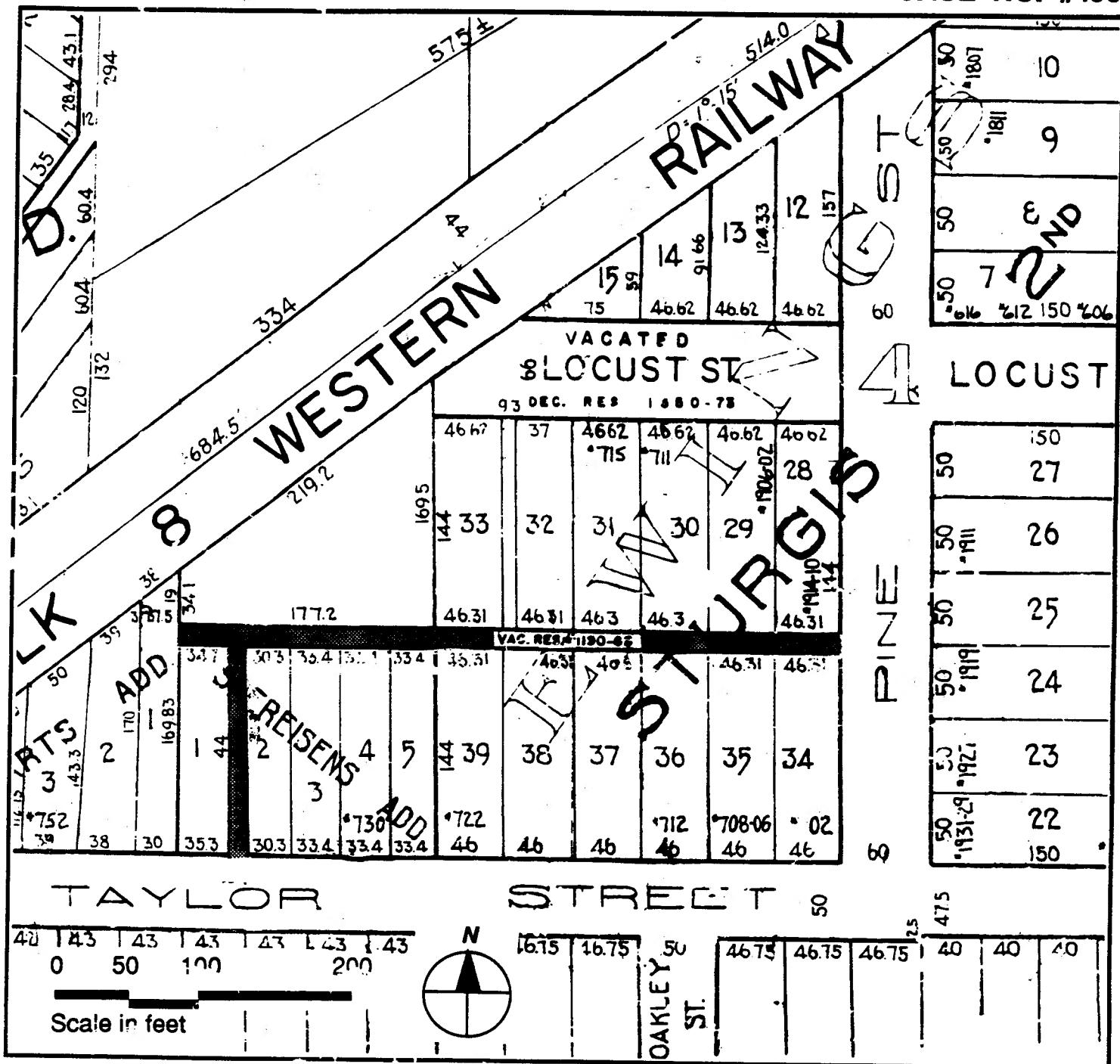
- 1) Approval will not hamper any additional orderly growth of the area;
- 2) Vacation of these alleys are will in no way hinder access to public ways or places, and;
- 3) Approval may be in the best interest of the City by allowing for potential site growth, and by placing this area on the tax rolls.

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VACATION PETITION

AREA MAP

CASE NO. #490



COUNCILMANIC DISTRICT NO. 1

Map No. L-2
LW 10-18-91

R1 One-Famil;
R2 Two-Family
R3 Multi-Family
RA/RB Residential
PUD Planned Unit Dev.

B1 Limited Business
B2 Planned Shopping Center
B3 General Business
B4 Roadside Business
POD Professional Office District

M1 Light Industrial
M2 General Industria'
M3 Heavy Industrial
MHP Mobile Home Park

RESOLUTION 79-185-7

WHEREAS, COMCAST CABLEVISION OF INDIANA L.P. has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following right-of-way situated in Fort Wayne, Allen County, to-wit:

A 12 foot East-West alley north of Taylor Street, commencing at its intersection with Pine Street and running west to the east boundary of Lot 1 Rinehart's Addition, except that portion already vacated by Declaratory Resolution No. 1190-1966. A 12 foot North-South alley between Lots 1 and 2 Spereisens Addition dedicated on Deed Record 692, page 389.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 325 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

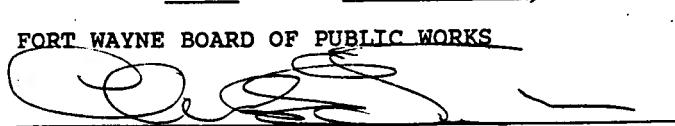
BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held _____ and as same appears of record in the official records of the Board of Public Works.

DATED THIS 22 DAY OF JANUARY 1992

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works

Katherine A. Carrier
Katherine A. Carrier
Member, Board of Public Works



Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, COMCAST CABLEVISION OF INDIANA L.P. has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following right-of-way situated in Fort Wayne, Allen County, to-wit:

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on December 16, 1991 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right-of-way.

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-way in Allen County, Indiana.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, Robert Hutter, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 23 December 1991, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 3 DAY OF January 1992

FORT WAYNE CITY PLAN COMMISSION

~~Robert Huth~~
Secretary